

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

LEROY GRIFFITH
Reg. # 25039-001

PETITIONER

VS.

2:14CV00096 KGB/JTR

C.V. RIVERA,
Warden, FCI Forrest City

RESPONDENT

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge Kristine G. Baker. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the United States District Judge, you must, at the same time that you file your written objections, include a “Statement of Necessity” that sets forth the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence to be proffered at the requested hearing before the United States District Judge was not offered at the hearing before the Magistrate Judge.
3. An offer of proof setting forth the details of any testimony or other evidence (including copies of any documents) desired to be introduced at the requested hearing before the United States District Judge.

From this submission, the United States District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Room A149
Little Rock, AR 72201

I. Discussion

In this § 2241 habeas action, Petitioner argues that his federal sentence is not properly credited with eight months of prior jail time. *Doc. 1*. Respondent

concedes and states that, after an audit, it has now applied 243 days of prior custody credit to Petitioner's federal sentence.¹ *Doc. 6.*

Because Petitioner's requested relief is moot, the Court recommends that this habeas action be dismissed, with prejudice.

II. Conclusion

IT IS THEREFORE RECOMMENDED THAT the Petition for a Writ of Habeas Corpus be DENIED, AS MOOT, and this case be DISMISSED, WITH PREJUDICE.

Dated this 4th day of November, 2014.


UNITED STATES MAGISTRATE JUDGE

¹ In his Reply, Petitioner acknowledges that the BOP has correctly credited his federal sentence with prior jail time. *Doc. 8.* However, he claims that his sentence now improperly reflects that he has 36 years of supervised release, as opposed to 36 months. *Id.* The BOP has responded and states that the error in the supervised release calculation has been corrected and properly reflects 36 months. *Doc. 9.*